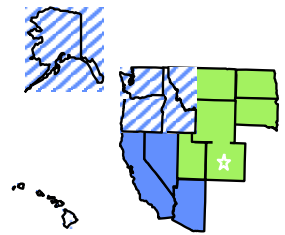




# US Army Environmental Center Western Regional Environmental Office REGION 8 – JANUARY 2006 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. When used within the framework of ISO14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. Please contact your regional point of contact if any pending rules or laws in this document will have a significant impact on your operations.

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## **WREO Information About Monthly Reviews**

The monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: [jmiller@rma.army.mil](mailto:jmiller@rma.army.mil). Write "Subscription" in the subject line and include your name and e-mail address. For general comments, please contact Bob Gurdikian at the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500; phone: (303) 844-0952, or fax: (303) 844-0951.

The WREO's mission is to support the Army/DoD through coordination of regional environmental issues and activities. Part of its mission is to provide regional reviews of legislative and regulatory issues relevant to the Army/DoD in the Western Region. The information contained in this review is current as of the 20th day of the previous month.

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## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

**ESSENTIAL USE EXEMPTIONS TO THE PRODUCTION AND IMPORT PHASEOUT OF OZONE DEPLETING SUBSTANCES FOR 2007 AND 2008** – The United States Environmental Protection Agency (EPA) is requesting applications for essential use allowances of ozone-depleting substances (ODS) for calendar years 2007 and 2008 ([70 FR 70071](#)). The applications will be used in nominating essential use allowances at the eighteenth protocol meeting in 2006. Applications were due by December 21, 2005. For more information, contact Larry Webber, United States Army Environmental Center (USAEC), at (410) 436-1213.

**PHASE 2 OZONE RULE** – The EPA has released the final Phase 2 Ozone Rule, which describes the actions states must take to reduce ground level ozone ([70 FR 71611](#)). The Phase 2 Rule outlines emissions control and planning requirements state and local governments must address in their implementation plans including attainment demonstrations and modeling; reasonable further progress; reasonably available control measures; reasonably available control technology; and new source review (NSR) requirements for areas not meeting the 8-hour ozone standard. The Phase 2 rule also specifies that the nine original reformulated gasoline (RFG) mandatory areas must continue to use RFG at least until they are redesignated to attainment for the 8-hour standard. This rule will be effective on January 30, 2006. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

**DRAFT AIR QUALITY CRITERIA FOR LEAD** – The EPA has released the draft lead criteria document, which presents the latest available pertinent information on atmospheric science, air quality, exposure, dosimetry, health effects, and environmental effects of lead. Publication of the final document is projected for October 1, 2006. Comments are due by February 15, 2006. For more information, contact Larry Webber, USAEC, at (410) 436-1213. The document can be found at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=141779>.

**DRAFT QUALITY ASSURANCE PROJECT PLAN FOR THE ALTERNATIVE ASBESTOS CONTROL METHOD** – The EPA has released the draft Quality Assurance Project Plan (QAPP) for the Alternative Asbestos Control Method Demonstration Project for independent external peer review ([70 FR 73237](#)). An alternative method for removing asbestos from older buildings during demolition will be evaluated and compared to removal techniques previously authorized by National Emissions Standards for Hazardous Air Pollutants (NESHAP). Comments are due by January 9, 2006. For more information, contact Larry Webber, USAEC, at (410) 436-1213. The draft QAPP can be found at: [http://epa.gov/region6/6xa/pdf/aacm-qapp-dec\\_2005.pdf](http://epa.gov/region6/6xa/pdf/aacm-qapp-dec_2005.pdf).

**PERFORMANCE STANDARDS FOR SOLID WASTE INCINERATION UNITS** – The EPA has issued final new source performance standards (NSPS) and emission guidelines ([70 FR 74869](#))

for new and existing "other" solid waste incineration (OSWI) units. Emission limits for new and existing OSWI include cadmium, lead, mercury, dioxins/furans, carbon monoxide, hydrochloric acid, oxides of nitrogen (NO<sub>x</sub>), sulfur dioxide, particulate matter, and opacity. The regulations provide operating limits that would apply to the use of a wet scrubber. Any institutional waste incinerator (IWI) units used solely during military training field exercises to destroy national security materials integral to the field exercises are not subject to the final OSWI rules. Also, other IWI units used solely to destroy national security materials may apply for exclusion if a reliable alternative to incineration that would ensure acceptable destruction is not available. This final rule is effective February 14, 2006. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

**REMOVING MEK FROM HAP LIST** – The EPA is amending the list of hazardous air pollutants (HAP) contained in Section 112 of the Clean Air Act (CAA) by removing the compound methyl ethyl ketone ([70 FR 75047](#)). The rule was effective December 19, 2005. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

**NESHAP REGARDING MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING** – The EPA is proposing amendments regarding miscellaneous organic chemical manufacturing that address several petitions concerning the applicability of specific operations and processes. This includes the leak detection and repair requirements for connectors; criteria to define affected wastewater streams requiring control; control requirements for wastewater streams that contain only soluble HAP; the definition of process condensers; and recordkeeping requirements for Group 2 batch process vents ([70 FR 73097](#)). Comments must be received by January 24, 2006. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

**NESHAP FOR HAZARDOUS WASTE COMBUSTORS** – The EPA took direct final action on amendments of NESHAP for hazardous waste combustors which were issued October 12, 2005 under the CAA ([70 FR 75042](#)). Three new or revised bag leak detection system requirements for Phase I sources (incinerators, cement kilns, and lightweight aggregate kilns) were added among implementation requirements taking effect on December 12, 2005. Barring any adverse comments, this rule will become effective on February 17, 2006. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

**EXEMPTION OF CERTAIN AREA SOURCES FROM TITLE V OPERATING PERMIT PROGRAMS** – The EPA is finalizing permanent exemptions from the Title V Operating Permit Program for five categories of nonmajor area sources that are subject to NESHAP ([70 FR 75319](#)). The EPA is making a finding for these categories that compliance with Title V permitting requirements is impracticable, infeasible, or unnecessarily burdensome on the source categories. The five source categories are dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide sterilizers and secondary aluminum smelters. The EPA declines to make a finding for a sixth category, area sources subject to the NESHAP for secondary lead smelters. The rule became effective on December 19, 2005. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

**COLORADO'S STATE IMPLEMENTATION PLAN REVISION** – The EPA is proposing to partially approve and partially disapprove a State Implementation Plan (SIP) revision submitted by the State of Colorado ([70 FR 72741](#)). The revision establishes affirmative defense provisions for source owners and operators for excess emissions during periods of startup and shutdown. In addition, EPA is announcing that it no longer considers the State of Colorado's May 27, 1998 submittal of revisions to Regulation 1 to be an active SIP submittal. The State of Colorado has removed or replaced the provisions in Regulation 1 that were disapproved, and has pursued

adoption of the affirmative defense provisions in the State of Colorado's Common Provisions regulation. Comments must be received on or before January 6, 2006. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

**APPROVAL AND PROMULGATION OF AIR QUALITY IMPLEMENTATION PLANS IN COLORADO** – The EPA is proposing to approve those revisions adopted by Colorado on April 16, 2004 to Regulation 3, Stationary Source Permitting and Air Pollutant Emission Notice Requirements, that incorporate EPA's December 31, 2002 NSR Reforms ([70 FR 72744](#)). At this time, EPA is proposing to approve only the portions of Colorado's revisions to Regulation 3 that relate to the prevention of significant deterioration (PSD) and non-attainment NSR construction permit programs of the State of Colorado. Comments must be received on or before January 6, 2006. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

### **WATER INFORMATION:**

**AMENDMENTS OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN REQUIREMENTS** – The EPA has proposed to amend the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements to reduce the regulatory burden for certain facilities ([70 FR 73523](#)). Comments are due February 10, 2006. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

**SPCC PLAN REVISIONS OF PROPOSED DUE DATE EXTENSION** – The EPA is proposing to extend the dates by which facilities must prepare or amend and implement SPCC Plans. This proposed rule would extend the dates by which a facility must prepare or amend and implement its SPCC Plan ([70 FR 73517](#)) to October 31, 2007. Comments are due January 11, 2006. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

### **WASTE INFORMATION:**

**HAZARDOUS MATERIALS SHIPPING PAPER RETENTION REQUIREMENTS** – The United States Department of Transportation (DOT) has revised the hazardous materials regulations to extend records retention time for hazardous materials shipping papers to two years for persons who provide a shipping paper ([70 FR 73156](#)). The new rule is effective January 9, 2006. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

**ELECTRONIC WASTE: STRENGTHENING THE ROLE OF THE FEDERAL GOVERNMENT IN ENCOURAGING RECYCLING AND REUSE** – The Government Accountability Office (GAO) has issued a report recommending that EPA strengthen the federal role in encouraging recycling and reuse of used electronics. The GAO recommends proposing legislative options to the Congress for overcoming the factors deterring recycling and reuse and by promoting wider federal agency participation in EPA programs such as the Federal Electronics Challenge. The GAO also recommends procuring electronic products that meet or exceed the minimum performance criteria set by the Electronic Product Environmental Assessment Tool (EPEAT). The document can be found at <http://www.gao.gov/new.items/d0647.pdf>. Information on the Federal Electronics Challenge can be found at: [www.federalelectronicschallenge.net/](http://www.federalelectronicschallenge.net/). EPEAT can be found at [www.epeat.net](http://www.epeat.net).

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## OTHER FEDERAL INFORMATION

### **CONSERVATION PROJECTS OF THE MULTISTATE CONSERVATION GRANT PROGRAM**

– The United States Fish and Wildlife Service (FWS) published the priority list of wildlife and sport fish conservation projects submitted by the International Association of Fish and Wildlife Agencies (IAFWA) for funding under the Multistate Conservation Grant Program (70 FR 71859). High priority projects include Regional Model for Development and Implementation of a Comprehensive Bird Plan, Building the Interstate Capacity of the Northern Bobwhite Conservation Initiative, and the Sage-grouse Interstate Working Group. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

**PROPOSALS FOR CONSERVATION PROJECTS** – The USFWS is seeking proposals for conservation projects on private lands through its Private Stewardship Grants Program. For FY 2006, approximately \$6.5 million is available through this grant program to support on-the-ground conservation efforts on private lands. Proposals must be submitted to the Regional Offices of the Service by January 23, 2006. This program could be a means for installation partners or neighboring landowners to obtain funds for conservation projects. Such projects could help reduce potential encroachment by listed species or prevent the need to list species at risk. Eligible projects include those by landowners and their partners who need technical and financial assistance to improve habitat or implement other activities on private lands. For more information regarding this grant opportunity and on how and where to submit proposals, please visit [http://endangered.fws.gov/grants/private\\_stewardship.html](http://endangered.fws.gov/grants/private_stewardship.html)

**INITIATION OF A 5-YEAR REVIEW OF GREENBACK CUTTHROAT TROUT** – The FWS announced a 5-year review of greenback cutthroat trout. Comments must be received by February 13, 2006 (70 FR 74030). For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.





## UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
<b>EPA Training Courses</b>	Multiple Dates	Multiple Sites	The EPA continually offers regional and national training opportunities on a variety of subjects. <a href="http://www.trainex.org">www.trainex.org</a>
<b>Air and Waste Management Association National Meeting</b>	January 18 - 20, 2006	Arlington, VA	This meeting will provide an opportunity to review what has taken place over more than a quarter of a century under RCRA and chart the path for how it will be addressed in the future. <a href="http://www.awma.org/events/confs/RCRA2006/default.asp">http://www.awma.org/events/confs/RCRA2006/default.asp</a>
<b>Tribal Relations Symposium for Executive Leaders</b>	January 24 – 25, 2006	Fort McDowell, AZ	The theme of the symposium is "Building Partnerships Through Collaboration: Communicating, Consulting and Cooperating with Tribes in Support of Conservation." Contact <a href="mailto:sgrass@lc.usbr.gov">sgrass@lc.usbr.gov</a> .
<b>American Water Works Association Inorganic Contaminants Workshop</b>	January 29 - 31, 2006	Austin, TX	Access the latest research and industry knowledge on topics from contamination identification to technology and implementation. <a href="http://www.awwa.org/conferences/inorganics/">http://www.awwa.org/conferences/inorganics/</a>
<b>Air Quality Management Course</b>	January 30 – February 3, 2006	Dayton, OH	This course is designed for each student to understand the basic technical and regulatory requirements of air quality management from a military and federal perspective and learn methods to plan and guide a successful air quality program at the installation level. <a href="http://cess.afit.edu/course_des.cfm?p=WENV%20531">http://cess.afit.edu/course_des.cfm?p=WENV%20531</a>
<b>Archeological Resources Protection Training Program</b>	January 30 – February 3, 2006	Port Hueneme, CA	This class provides training in all aspects of an archeological investigation and subsequent prosecution of the crimes. Topics include Crime Prevention, Archeological Resource Protection Act, Testifying in Court, Investigative Methods, and Archeological Crime Scene Investigations. For more information, email <a href="mailto:david.pease@navy.mil">david.pease@navy.mil</a> .
<b>2006 Environmental Cleanup Workshop</b>	January 31– February 2, 2006	San Antonio, TX	This workshop highlights installation cleanup programs including active, BRAC, and FUDS. <a href="http://aec.army.mil/usaec/cleanup/workshop/">http://aec.army.mil/usaec/cleanup/workshop/</a>
<b>Alaska Forum on the Environment</b>	February 6 - 10, 2006	Anchorage, AK	This year's event will again deliver nationally recognized speakers in 7 keynote events. Over 80 breakout sessions will provide educational opportunities and the latest research information on Alaska's Environment. <a href="http://www.akforum.com/">http://www.akforum.com/</a>
<b>Symposium on Perchlorate: Exposures from Food and the Environment</b>	February 9, 2006	Phoenix, AZ	This meeting is sponsored by ASTM International as part of standards development meetings of the Soil and Rock Committee. <a href="#">Perchlorate meeting</a>
<b>Health Risk Communication Workshops</b>	February 21- 23, 2006  July 5-7, 2006  August 22-24, 2006	Honolulu, HI  San Antonio, TX  Colorado Springs, CO	The Risk Communication Training Program prepares defense agencies, uniformed services, and veteran services personnel to interact better with both internal and external audiences in sensitive and challenging situations related to encroachment, sustainability, environmental, and other topics. <a href="http://chppm-www.apgea.army.mil/risk">http://chppm-www.apgea.army.mil/risk</a>
<b>Conference on Soils, Sediments, and Water</b>	March 13 -16, 2005	San Diego, CA	Sponsored by the Association for Environmental Health Sciences. <a href="http://www.aehs.com/conferences/westcoast/">http://www.aehs.com/conferences/westcoast/</a>
<b>Restoring Forests and Strengthening Economies</b>	March 14 – 16, 2006	Denver, CO	The topic of invasive plants, which may be considered for use in bioenergy/bioproductions efforts, will be discussed. <a href="http://www.nationalbiomassconference.org/">http://www.nationalbiomassconference.org/</a>
<b>Joint Services Environmental Management Conference</b>	March 20 -23, 2006	Denver, CO	The theme of the conference is Transformation, highlighting the many new and innovative ways the Department of Defense and other agencies are transforming how we are meeting our mission needs while protecting the environment. <a href="http://www.jsemconference.com/2006/">http://www.jsemconference.com/2006/</a>

EVENT	DATE	LOCATION	DETAILS
<b>Hazardous Waste Management and Manifesting Initial DOT Certification Course</b>	March 20 – 24, 2006	Omaha, NE	The intent of this course is to fulfill the initial training requirements of 49 CFR 172, Subpart H. Topics include RCRA waste classification, land disposal restrictions and notifications, generator requirements, manifesting requirements, etc. Course 223 is listed as an approved DOD training source. To register, go to <a href="http://pdsc.usace.army.mil/RegistrationInfo.aspx">http://pdsc.usace.army.mil/RegistrationInfo.aspx</a> . For information about the course, contact <a href="mailto:sandi.m.zebrowski@usace.army.mil">sandi.m.zebrowski@usace.army.mil</a> . Courses details are at <a href="http://pdsc.usace.army.mil/CourseListDetail.aspx?CtrlNbr=223">http://pdsc.usace.army.mil/CourseListDetail.aspx?CtrlNbr=223</a> .
<b>National Military Fish and Wildlife Association Conference</b>	March 21 -24, 2006	Columbus, OH	Annual meeting covering cultural and natural resources management on military lands. <a href="http://www.nmfw.org/2006_Meeting/index.htm">http://www.nmfw.org/2006_Meeting/index.htm</a>
<b>Hazardous Waste Management and Manifest DOT Recertification Course</b>	March 22 – 23, 2006	Omaha, NE	The intent is to fulfill the recurrent training requirements of 49 CFR 172, Subpart H as they relate to the transportation of hazardous wastes and the use of a hazardous waste manifest. The course is listed as an approved DOD training source. Register for Course 429 at <a href="http://pdsc.usace.army.mil/RegistrationInfo.aspx">http://pdsc.usace.army.mil/RegistrationInfo.aspx</a> . For information about the course, contact <a href="mailto:sandi.m.zebrowski@usace.army.mil">sandi.m.zebrowski@usace.army.mil</a> .
<b>Environmental Negotiation Workshop</b>	April 18-20, 2006	Bremerton, WA	This three-day workshop provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. It is intended for military and civilian personnel in environmental compliance, installation restoration, natural and cultural resources that are responsible for communicating and negotiating with other environmental professionals, regulators, and public stakeholders. <a href="https://www.cecos.navy.mil/course/detail.cfm?courseid=20">https://www.cecos.navy.mil/course/detail.cfm?courseid=20</a>
<b>National Environmental Partnership Summit</b>	May 8-11, 2006	Atlanta, GA	The theme for the summit is "Stewardship in Action". Join environmental leaders in examining partnering, science and systems-based approaches, multi-media and integrated strategies, and sustainability. <a href="http://www.environmentalsummit.org">www.environmentalsummit.org</a>

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## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## COLORADO

### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

**DEVELOPMENT OF A REGIONAL HAZE PLAN** – The Colorado Department of Public Health and Environment (CDPHE) is preparing a regional haze SIP revision pursuant to Section 308 of the Regional Haze Rule. The Air Quality Control Commission (AQCC) held a public hearing on December 15, 2005 to consider adoption of Regulation 3, Part G, Regional Haze Best Available Retrofit Technology (BART) Application. This rule will set forth requirements for CDPHE and the regulated community to follow in the application of regional haze BART and the development of a regional haze element for the SIP. For more information, contact Steve Arnold at (303) 692-3220. The proposed Regulation 3, Part G is available at [http://www.dora.state.co.us/pls/real/SB121.Download\\_file?p\\_file=F28073/RegHazeR MH12\\_05.doc](http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F28073/RegHazeR MH12_05.doc).

#### WATER INFORMATION:

**AMENDMENTS TO REGULATION 84 AND REGULATION 61** – The CDPHE has adopted revisions to the Regulation 84, Reclaimed Domestic Wastewater Control Regulation, and Regulation 61, Colorado Discharge Permit System Regulations. The changes to Regulation 84 clarify the existing definitions to ensure that reclaimed water meets minimum standards commensurate with the risks associated with the new uses. The revisions to Regulation 61 provide an option for entities using reclaimed water for landscape irrigation to avoid having to obtain a discharge permit under Regulation 61 and obtain a Notice of Authorization under Regulation 84 for the same activity. Regulation 61 became effective on December 31, 2005 and Regulation 84 became effective on November 30, 2005. For more information, contact Wes Carr at (303) 692-3613.

**AMENDMENTS TO THE COLORADO INSTREAM FLOW AND NATURAL LAKE LEVEL PROGRAM** – The Colorado Water Conservation Board (WCB) adopted amendments to the rules concerning the Colorado Instream Flow and Natural Lake Level Program. The amendments allow the WCB to temporarily acquire water rights for instream flow use under certain conditions. The amendments also remove certain preexisting requirements that the Board must satisfy prior to accepting a loan of water for instream flow use. The amendments were adopted on November 15, 2005. For more information, contact Rod Kuharich at (303) 866-3534.

**REVISIONS TO CHATFIELD RESERVOIR CONTROL REGULATION** – The Water Quality Control Commission (WQCC) has adopted revisions to the Chatfield Reservoir Control Regulation. The amendments revise definitions, adjust wasteload allocations, recognize new wastewater treatment facilities, and specify that a nonpoint source management program will be



implemented. The regulation will take effect on January 30, 2006. For more information, contact Diana Glaser at (303) 692-3469. The notice of final adoption is available at <http://www.cdphe.state.co.us/wq/bulletin/wqbulletin1205.pdf> (page 10 of the bulletin).

### **TRIENNIAL REVIEW FOR REVISIONS TO THE SAN JUAN AND GUNNISON RIVER BASINS**

– The WQCC is considering revisions to the San Juan and Dolores River Basin and Gunnison and Lower Dolores River Basins water quality classifications and numeric standards. The WQCC set a hearing date of June 12, 2006 to consider revisions. Formal regulatory proposals will be considered for inclusion on the June 2006 agenda at a WQCC hearing scheduled for February 13, 2006. For more information, contact Diana Glaser at (303) 692-3469.

### **REVISED WATER QUALITY STANDARDS FOR SEGMENTS 5 AND 7 OF THE EAGLE**

**RIVER** – The WQCC is proposing amendments to the classifications and numeric standards for the North Platte River and Upper Colorado River Basin. This proposal includes revisions to the water quality standards for Segments 5 and 7 of the Eagle River. The WQCC approved the amendments at a hearing on December 12, 2005. They will be considered for final adoption at a hearing held on January 9, 2006. For more information, contact Diana Glaser at (303) 692-3469. The hearing agenda is available at <http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/Agenda05.12.pdf>.

### **REVISIONS TO THE WATER BODY SEGMENTATION DESCRIPTIONS IN EIGHT BASINS –**

The CDPHE approved revisions to the water body segmentation descriptions in Classifications and Numeric Standards for Arkansas River Basin; the Upper Colorado River Basin and North Platte River (Planning Region 12); the Lower Colorado River Basin; and the South Platte River Basin, Laramie River Basin, Republican River Basin and Smoky Hill River Basin. The CDPHE approved the revisions at a hearing held on December 12, 2005. For more information, contact Sarah Johnson at (303) 692-3609. Notice of the rulemaking is available at <http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/rulemaking/Written%20Comment/NoticeSeg1.pdf>.

### **WASTE INFORMATION:**

**AMENDMENTS REGARDING ASBESTOS WASTE MANAGEMENT** – The CDPHE is proposing revisions to the existing solid waste regulations concerning asbestos waste disposal and management of asbestos contaminated soils. The Colorado Board of Health will hold a hearing on January 17, 2006 to consider the amendments. For more information, contact Linda Shearman at (303) 692-2329.

### **LEGISLATIVE DEVELOPMENTS**

The 2006 legislative session will begin on January 11, 2006 and end on May 10, 2006. For information on the legislative session, link: <http://www.leg.state.co.us/>.  
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## MONTANA

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### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

**PARTICIPATION IN SECTION 308 OF THE REGIONAL HAZE RULE** – The Montana Department of Environmental Quality (DEQ) is discussing Montana's participation in the federal regional haze rule. Specifically, as a member of the Section 308 region, Montana is seeking to determine what control methods will be necessary for the State to make "reasonable progress" towards improving the worst 20% visibility days and protecting the best 20% visibility days for all Class I areas inside the state. The DEQ held informal stakeholder meetings to discuss the BART Rule on December 5, 2005. An additional stakeholder meeting is anticipated for January 8, 2006. The DEQ anticipates commencing the formal BART rulemaking no later than February 15, 2006. For more information, contact Robert Habeck at (406) 444-7305. The draft BART rule is available at [http://deq.mt.gov/AirQuality/ARM\\_Permits/MARnoticeRegHazeBART-11-22-05.pdf](http://deq.mt.gov/AirQuality/ARM_Permits/MARnoticeRegHazeBART-11-22-05.pdf).

**ADOPTION OF FEDERAL NSR REFORM RULES** – The DEQ is proposing to adopt federal NSR reforms. The rule changes are anticipated to be a verbatim or modified adoption of changes made to the federal NSR program rather than incorporation by reference. The reform rules were presented to the Board of Environmental Review on December 1, 2005. For more information, contact Charles Homer at (406) 444-5279.

#### WATER INFORMATION:

**BITTERROOT HEADWATERS TMDL** – The DEQ is preparing a water quality assessment and total maximum daily load (TMDL) for the Bitterroot headwaters. The TMDL was submitted to the EPA for final approval on November 3, 2005. For more information, contact Greg Mathieus at (460) 444-6697. The draft assessment and TMDL are available at <http://www.deq.state.mt.us/wqinfo/TMDL/TMDLDrafts/BitterrootHeadwaters/BitterrootHeadwatersDraft.pdf>.

**2005 TMDLS** – The DEQ is discussing developing TMDLs for the following water bodies:  
Columbia Basin - (a) Middle Blackfoot, (b) Flathead-Stillwater, (c) Rock, (d) Tobacco, and (e) Whitefish Lake;  
Upper Missouri - (a) Big Hole, Middle (b) Big Hole, Lower, (c) Middle Madison, (d) Missouri-Chouteau, (e) Rock, Upper, (f) Smith, Upper, (g) Smith, Lower, and (h) Upper Gallatin;  
Lower Missouri - (a) Judith-Arrow, (b) Lower-Missouri, (c) Fork Peck, and (d) Redwater; and  
Yellowstone - (a) Bighorn Lake – Shoshone, (b) Paradise, (c) Rock Creek-Red Lodge, (d) Shields, and (e) O'Fallon.

The criteria pollutants for these TMDLs have not been determined yet. For more information, contact Robert Ray at (406) 444-5319. A map of the 2005, 2006, and 2007 planned TMDL developments is available at <http://www.deq.state.mt.us/wqinfo/TMDL/2005Schedual1218.pdf>.

**2006 TMDLS** – The DEQ is discussing developing TMDLs for the following water bodies:  
Columbia Basin - (a) Fisher, (b) Lower Blackfoot, (c) Bitterroot, (d) Nevada Creek, and (e) Lolo;  
Upper Missouri - (a) Beaverhead, (b) Jefferson, and (c) Upper Boulder;  
Lower Missouri - (a) Beaver, (b) Marias-Willow Creek, (c) Upper Milk, (d) Upper-Middle  
Musselshell, and (e) Belt; and  
Yellowstone - (a) Clarks Fork-Yellowstone, (b) Stillwater-Columbus, (c) Yellowstone-Sweetgrass, and (d) Yellowstone-Lower Bighorn.

The criteria pollutants for these TMDLs have not been determined yet. For more information, contact Robert Ray at (406) 444-5319. A map of the 2005, 2006, and 2007 planned TMDL developments is available at <http://www.deq.state.mt.us/wqinfo/TMDL/2005Schedual1218.pdf>.

**PROSPECT CREEK METALS TMDL** – The DEQ is proposing the development of a TMDL for the Prospect Creek watershed. Three stream segments within the watershed have been identified in this proposed TMDL due to elevated concentrations of metals that exceed the applicable water quality criteria. They include Prospect Creek from the headwaters to the mouth, Antimony Creek from the headwaters to the mouth, and Cox Gulch from the headwaters to the mouth. The DEQ released the draft TMDL for public review in November 2005 and held an open house on November 30, 2005. No further development activities are currently scheduled. For more information, contact Robert Ray at (406) 444-6697. The TMDL public review draft is available at <http://deq.mt.gov/wqinfo/TMDL/Prospect%20Metals/PRProspectMetalsCvr.pdf>.

**AMENDMENTS TO MUNICIPAL WATER USE RULES** – The Montana Department of Natural Resources and Conservation (DNRC) is proposing to amend Montana Administrative Register 36.12.101 to remove the definition of "municipal use." The amendment would remove the definition from the implementing rules of the Montana Water Use Act. The DNRC anticipates adoption of the amendment on December 23, 2005. For more information, contact Kimberly Overcast at (406) 444-6614.

### **WASTE INFORMATION:**

None.

## **LEGISLATIVE DEVELOPMENTS**

There is no 2006 regular legislative session. For information on the 2005 legislative session, link: <http://www.leg.state.mt.us>.

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## **NORTH DAKOTA**

### **REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION**

#### **AIR INFORMATION:**

None.

#### **WATER INFORMATION:**

None.

#### **WASTE INFORMATION:**

None.

### **LEGISLATIVE DEVELOPMENTS**

There is no 2006 regular legislative session. For information on the 2005 legislative session, link: <http://www.state.nd.us/lr/>.

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## SOUTH DAKOTA

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### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

None.

#### WATER INFORMATION:

**WHITE LAKE TMDL** – The South Dakota Department of Environment and Natural Resources (DENR) is discussing the development of TMDLs for White Lake (Marshall County) of the Red River. The possible criteria pollutants for these TMDLs are based on the water's trophic state index. For more information, contact Gene Stueven at (605) 773-3296.

**MEDICINE CREEK TMDL** – The DENR is developing a TMDL for dissolved solids, fecal coliform, conductivity and total suspended solids in Medicine Creek in the Missouri River Basin. The DENR accepted comments through December 30, 2005. For more information, contact Gene Stueven at (605) 773-4254.

#### WASTE INFORMATION:

None.

### LEGISLATIVE DEVELOPMENTS

The 2006 legislative session will begin on January 10, 2006 and end in March 2006. For information on the legislative session, link: <http://legis.state.sd.us/index.cfm>.

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## UTAH

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### **REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION**

#### **AIR INFORMATION:**

**ADOPTION OF NEW SOURCE REVIEW REFORMS** – The Utah Department of Environmental Quality (DEQ) is proposing to adopt several amendments to the state NSR rules. A public hearing was scheduled for December 14, 2005 to solicit public comment on the proposed changes. Written comments are due January 17, 2006. Rule adoption is anticipated for February 2, 2006. For more information, contact Jan Miller at (801) 536-4042. The proposed revisions are available at <http://www.airquality.utah.gov/NSR/index.html>.

**ADOPTION BY REFERENCE OF FEDERAL HAZARDOUS AIR POLLUTANT STANDARDS** – The DEQ has adopted by reference two federal standards for hazardous air pollutants (NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters and NESHAP for Plywood and Composite Wood Products). The amendments were adopted November 2, 2005 and became effective November 3, 2005. For more information, contact Matt Carlile at (801) 536-4136.

**ASSUMPTION OF PRIMACY FOR LEAD-BASED PAINT PRE-RENOVATION EDUCATION RULE** – The DEQ has incorporated by reference federal regulations that allow the DEQ to assume primacy over the Lead-Based Paint Pre-Renovation Education Rule. The rule became effective November 3, 2005. For more information, contact Matt Carlile at (801) 536-4136.

**CARBON MONOXIDE ATTAINMENT FOR PROVO-OREM** – The DEQ has adopted amendments for designating the City of Provo-Orem as being in attainment for carbon monoxide. The EPA approved the redesignation on November 2, 2005. It became effective on January 3, 2006. For more information, contact Jan Miller at (801) 536-4042.

#### **WATER INFORMATION:**

**STATE TMDLS** - The DEQ is preparing TMDLs for the following water bodies: Spirit Lake (dissolved oxygen); Strawberry Reservoir (dissolved oxygen); Tony Grove Lake (dissolved oxygen); Yankee Meadow Reservoir (dissolved oxygen); Utah Lake (phosphorus and dissolved oxygen); Escalante River; Paria River; Silver Creek; and Pineview Reservoir. Following approval by the Water Quality Board, the TMDLs will be submitted to EPA for final approval. For more information, contact Harry Judd at (801) 538-6047.

**R317-4 ONSITE WASTEWATER SYSTEMS** – The DEQ is proposing amendments to R317-4, Onsite Wastewater Systems. Two substantive areas are scheduled for revision. The DEQ plans to repeal the existing "alternative" methods and replace them with new, clearer methodologies that will better delineate responsibilities between the DEQ and local and state health agencies. The DEQ also expects to add several new onsite wastewater disposal system technologies to the rules. The rule is expected to become effective January 20, 2006. For more information,



contact Kiran Bhayani at (801) 538-6080. Proposed text is available at <http://rules.utah.gov/publicat/bulletin/2005/20051101/27944.htm>.

**2005 REVIEW OF COLORADO RIVER BASIN WATER QUALITY STANDARDM** – The Colorado River Basin Salinity Control Forum is developing the 2005 Review of the water quality standards for the seven Colorado River Basin states. For more information, contact Jack Barnett at (801) 292-4663. The final forum review, released October 2005, is available at <http://www.coloradoriversalinity.org/2005%20Review%20October.pdf>.

**UPDATES PURSUANT TO FEDERAL ARSENIC AND FILTER BACKWASH RECYCLING REGULATIONS** – The DEQ has adopted amendments to R309-105, 110, 200, 205, 215, 220, 505, and 535 as required by the federal Arsenic and Filter Backwash Recycling Regulations. The amendments are necessary for the state to maintain primacy over the drinking water program. The amendments became effective on November 16, 2005. For more information, contact Ken Bousfield at (801) 536-4207.

#### WASTE INFORMATION:

None.

#### LEGISLATIVE DEVELOPMENTS

The 2006 legislative session will begin on January 16, 2006 and end on March 1, 2006. For information on the legislative session, link: <http://www.le.state.ut.us/>.

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## WYOMING

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### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

**ADOPTION OF FEDERAL AIR REGULATIONS** – The Wyoming Department of Environmental Quality (DEQ) has adopted updates to the federal air standards published through July 1, 2004. The amendments include abnormal conditions and equipment malfunctions; ambient emission standards for volatile organic compounds; NSPS; NESHAPs; and the National Acid Rain Program. The amendments were adopted at the Environmental Quality Council hearing on November 16, 2005. The amendments are expected to become effective in late January 2006. For more information, contact Tina Anderson at (307) 673-9337.

#### WATER INFORMATION:

None.

#### WASTE INFORMATION:

None.

### LEGISLATIVE DEVELOPMENTS

The 2006 legislative session will begin on February 13, 2006 and end on March 10, 2006. For information on the legislative session, link: <http://legisweb.state.wy.us>.

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